



Entered on Docket
March 25, 2011

Bruce T. Beesley

Hon. Bruce T. Beesley
United States Bankruptcy Judge

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ELECTRONICALLY LODGED
March 23, 2011

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

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In Re:

ELKO GOLD MINE, LLC,

Debtor.

Case No. BK-N-11-50084-BTB
Chapter 11

**ORDER DENYING MOTION OF
BEST WESTERN INTERNATIONAL,
INC., FOR ORDER TERMINATING
AUTOMATIC STAY**

Hearing Date: March 18, 2011
Hearing Time: 10 a.m.

The matter of the Motion of BEST WESTERN INTERNATIONAL, INC. for order terminating automatic stay came on for hearing on March 28, 2011, at 10:00 a.m. Debtor appeared through its counsel, Alan R. Smith, Esq. Movant BEST WESTERN INTERNATIONAL, INC. ("Best Western") appeared through its counsel Michael G. Helms, Esq., of the Helms Law Firm, P.L.C. The Court considered the pleadings and papers on file, and the arguments of counsel. The Court entered its findings of fact and conclusions of law on the record in accordance with Fed.R.Bankr.P. 7052 and 9021. Good cause appearing,

IT IS HEREBY ORDERED as follows:

1. The Motion to Terminate Automatic Stay is denied.

2. The Debtor shall continue to pay normal membership fees that are due on or before the 10th day of each and every month by wire transfer, according to wire transfer instructions provided by Best Western.

3. Best Western shall be entitled to make ordinary inspections of the motel as allowed under the terms of the Membership Agreement.

4. Best Western will email any invoices required for monthly payment both to the Debtor and to its counsel, Alan R. Smith, Esq., at ars@asmithlaw.com.

5. The Court shall consider assumption of the Membership Agreement pursuant to Debtor's Motion to Approve Assumption of Executory Contract filed on March 18, 2011, which hearing shall be conducted on April 22, 2011 at 10:00 a.m.

In accordance with Local Rule 9021, counsel submitting this document certifies as follows (check one):

☐ The Court has waived the requirement of approval under LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☒ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [*list each party and whether the party has approved, disapproved, or failed to respond to the document*];

Approved/Disapproved:

/s/ Michael G. Helms

MICHAEL G. HELMS

☐ I certify that this is a case under Chapter 7 or 13, that I served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of this order.

RESPECTFULLY SUBMITTED BY:

LAW OFFICES OF ALAN R. SMITH

By: /s/ Alan R. Smith
ALAN R. SMITH, ESQ.
Co-Counsel for Debtor

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